

By Senator Yoakum:

Amend section 2, by adding the following proviso: "Provided, that no fee shall be allowed when defendant is not in actual possession."

Senator Imboden moved the previous question on the bill and pending amendment, which was duly seconded and the motion prevailed.

Amendment by Senator Yoakum lost.

The bill was then ordered engrossed by the following vote:

YEAS—16.

Agnew,	Imboden,
Baldwin,	Jester,
Bowser,	Lewis,
Cranford,	McKinney,
Crowley,	Pressler,
Dean,	Shelburne,
Douglass,	Swayne,
Goss,	Woods.

NAYS—9.

Atlee,	Simpson,
Boren,	Smith,
Hutchison,	Steele,
Kearby,	Yoakum.
Lawhon,	

ABSENT—1.

Greer.

EXCUSED—5.

Browning,	Tips,
Dickson,	Whitaker.
McComb,	

The Chair gave notice of signing and did sign.

House bill No. 39, "An act to amend section 19 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein; to create the Fifty-fourth judicial district, fix the times for holding court therein, and provide for the appointment of a district judge in said district, and to repeal all laws in conflict with this act," after the caption of same had been read.

By Senator Dean:

CONCURRENT RESOLUTION.

Whereas, On the 4th day of March next Grover Cleveland will be inaugurated President of the United States; and,

Whereas, Such occasion is fraught with great interest to all patriotic devotees to a "government of the people, by the people and for the people," and especially is such occasion to be one of exceeding great rejoicing for the Democratic party; and

Whereas, In the election of Grover Cleveland the State of Texas won the proud distinction of the "Banner Democratic State of the union; and

Whereas, It will be a fitting testimony of the people of Texas of their anxious concern in the inauguration of Grover Cleveland President of the United States; therefore be it

Resolved by the Legislature of the State of Texas, That this Legislature do take a recess of ten days after the twenty-eighth day of February, 1893, to enable as many members of the Legislature who may desire to witness said inauguration, and that a committee of five, three of whom shall be appointed by the Speaker of the House of Representatives and two by the President of the Senate, to arrange for an excursion of the members of the Legislature to the inauguration, be appointed.

Provided, that the per diem pay of all members of the Legislature, and employes as well, shall cease during the ten days recess herein above provided for.

Senator Steele moved to refer the resolution to the Committee on State Affairs.

Carried by the following vote:

YEAS—16.

Boren,	Lewis,
Bowser,	McKinney,
Cranford,	Pressler,
Douglass,	Simpson,
Goss,	Smith,
Hutchison,	Steele,
Kearby,	Swayne,
Lawhon,	Tips.

NAYS—11.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Shelburne,
Crowley,	Woods,
Dean,	Yoakum.
Greer,	

EXCUSED—4.

Browning,	McComb,
Dickson,	Whitaker.

On motion of Senator Imboden Senate adjourned till Monday morning 10 o'clock.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Feb. 20, 1893.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Secretary Kennedy called the roll. Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew	Lawhon,
Baldwin	Lewis,
Boren,	McKinney,
Bowser,	Pressler,
Browning,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

ABSENT—1.

Atlee.

EXCUSED—3.

Dean, McComb.
Dickson,

Prayer by the chaplain, Dr. Briggs, as follows:

O, Lord, our Father, let Thy blessing rest upon the land we love the most. Guide our lawmakers and direct our rulers. Teach our judges judgment, and clothe them with the spirit of wisdom and mercy. Prosper all honest commerce, and help every man to earn his bread in honesty, that it may be sweet to his lips. Regard our educational institutions, and sanctify the efforts that are made to enlarge, enlighten and cultivate the human mind, and grant that the day may come when men shall turn every beauty, glory and grandeur into which they are led toward Thy throne, with filial heart, as an offering of love. We ask for Jesus' sake. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Baldwin, the reading of the same was suspended.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 90, being "An act to amend article 3183, chapter 4, title 61 of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate substitute bill No. 168, being "An act to amend section 35, chapter 15, of the General Laws of Texas, of the acts of the special session, 1892, Twenty-second Legislature,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 186, being "An act to amend section 10, chapter 100 of an act entitled an act to promote the development of the mining resources of Texas, approved March 29, 1889,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 166, being "An act to amend article 4248, chapter 10, of the Revised Civil Statutes, so as to require the filing of the profiles of all railroads that have not heretofore been filed in the General Land Office in accordance with said article 4248, and the profiles of all new railroads hereafter constructed, in the office of the Railroad Commission, and the transfer of all profiles heretofore filed in said office to the office of the Railroad Commission, and providing a penalty for the enforcement of the provision of this act,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 130, being "An act to fix the fees of district and county attorneys and attorneys ad litem in suits instituted by the State for the recovery of interest due the school fund, or to forfeit school land for non-payment of purchase money, and to provide for the payment thereof,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 109, entitled "An act to create a more efficient road system in the county of Caldwell and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county; and to provide adequate penalties for the violation of the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*, with the accompanying committee amendments:

BOWSER, Chairman.

COMMITTEE AMENDMENTS.

Amend section 10 in line 2: Strike out the word "fifty" and insert the words "forty-five" in lieu thereof; and strike out all after the word "except" in same line down to the word "shall" in line 5, section 2, and insert in place thereof "such persons as are now exempt from road duty under the General Laws of this State."

On motion of Senator McKinney, Senator Dean was excused till Thursday on important business.

On motion of Senator Smith, Senator Atlee was excused till Thursday on important business.

BILLS AND RESOLUTIONS.

By Senator Swayne:

A bill to be entitled "An act to amend sections 2, 3, 4, 24, 26, 29, 30, 37, 55, 64, 78, 80, 81, 82 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and by adding thereto sections 55a, 128a, 159a and 159b."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Goss:

A bill to be entitled "An act to fix the time for holding the courts in the Forty-seventh judicial district, and to repeal all laws in conflict therewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Goss:

A bill to be entitled "An act to reorganize the Thirty-second and Thirty-ninth judicial districts, and to create the Fiftieth judicial district of the

State of Texas, to fix the time for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict therewith, presented to the Governor of Texas for his approval on the 13th day of March, A.D. 1891, but not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and which became a law without his signature."

Read first time and referred to Committee on Judicial Districts.

By Senator Jester:

"An act to ascertain whether E. J. Eaker, P. W. Walker, W. W. Abney, J. B. Walker, J. G. Dodson and Stein Minter, or either of them, have a lien on certain land owned by the State of Texas in Navarro county."

Read first time and referred to Committee on Claims and Accounts.

By Senator Yoakum:

A bill to be entitled "An act to amend article 503, chapter 3, title 15 of the Penal Code of Texas."

Read first time and referred to Judiciary Committee No. 2.

By Senator Yoakum:

A bill to be entitled "An act to amend article 2389, chapter 3, title 42 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Yoakum:

An act entitled "An act to reorganize the Eighth judicial district of Texas, and to fix the time for holding courts therein and to regulate the return of process to such courts, and to repeal all laws in conflict therewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Smith:

A bill entitled "An act to repeal article 746, title 7, chapter 8 of the Code of Criminal Procedure of the State."

Read first time and referred to Judiciary Committee No. 2.

By Senator Goss:

A bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue patents on the public free school, university and asylum lands in quantities of not less than one nor more than five acres as sites for school houses, churches and cemeteries."

Read first time and referred to Committee on Public Lands.

By Senator Goss, by request:

A bill to be entitled "An act for the relief of N. H. O. Polly, by reimburs-

ing him for losses sustained by reason of Indian depredations in the years 1858, 1859 and 1860, and making an appropriation."

Read first time, and referred to Committee on State Affairs.

By Senator Yoakum:

Resolved, That hereafter the journal clerk shall incorporate in the records of Senate the prayers by the chaplain of the Senate.

By Senator Douglass:

Amend by adding, "and prayers heretofore delivered."

By Senator Baldwin:

Substitute the resolution and the amendment to the resolution as follows:

Be it resolved, That we have a prayer book, to be published at the end of the session, including the prayers of the chaplain.

Senator Simpson moved to table the substitute.

Tabled by the following vote:

YEAS—24.

Agnew,	Lewis,
Boren,	McKinney,
Bowser,	Pressler,
Browning,	Shelburne,
Cranford,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Imboden,	Tips,
Jester,	Whitaker,
Kearby,	Woods,
Lawhon,	Yoakum.

NAYS—3

Baldwin,	Hutchison.
Crowley,	

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

The amendment offered by Senator Douglass was then adopted by the following vote:

YEAS—15.

Agnew,	Imboden,
Boren,	Jester,
Bowser,	Kearby,
Cranford,	Pressler,
Crowley,	Simpson,
Douglass,	Smith,
Goss,	Woods.
Greer,	

NAYS—11.

Baldwin,	Shelburne,
Browning,	Steele,
Hutchison,	Tips,
Lawhon,	Whitaker,
Lewis,	Yoakum.
McKinney,	

ABSENT—1.

Swayne.

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

The resolution as amended was then adopted by the following vote:

YEAS—18.

Agnew,	Jester,
Boren,	Kearby,
Bowser,	Lewis,
Cranford,	Pressler,
Crowley,	Shelburne,
Douglass,	Simpson,
Goss,	Smith,
Greer,	Woods,
Imboden,	Yoakum.

NAYS—8.

Baldwin,	McKinney,
Browning,	Steele,
Hutchison,	Tips,
Lawhon,	Whitaker.

ABSENT—1.

Swayne.

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

HOUSE MESSAGES.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am instructed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

House bill No. 165, "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2 and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881."

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following concurrent resolution, to-wit:

Whereas, On the 4th day of March next Grover Cleveland will be inaugurated President of the United States; and

Whereas, Such occasion is fraught with great interest to all patriotic devotees to a government "of the people, by the people and for the people," and especially is such occasion to be one of exceeding great rejoicing for the Democratic party; and

Whereas, In the election of Grover Cleveland the State of Texas won the proud distinction of the "Banner Democratic State of the Union;" and

Whereas, It will be a fitting testimony of the people of Texas of their anxious concern in the inauguration of Grover Cleveland President of the United States; be it therefore

Resolved by the Legislature of the State of Texas, That this Legislature do take a recess of ten days after the 28th instant, to enable as many members of the Legislature who may so desire to witness said inauguration, and that a committee of five, three of whom shall be appointed by the Speaker of the House of Representatives, and two by the President of the Senate, to arrange for an excursion of the members of the Legislature to the inauguration, be appointed.

Provided further, that the per diem pay of members and employes shall cease during the recess provided for hereby.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Feb. 20, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following concurrent resolution, to-wit:

Resolved by the House of Representatives, the Senate concurring, That all bills relating to the subject of creating new supreme civil judicial districts be referred to a joint committee of ten members from the House and five members of the Senate with instructions to report a proper bill on that subject, and that said committee shall report to the two Houses on Thursday, the 23d inst.

Respectfully,

GEO. W. FINGER,

Chief Clerk House of Representatives.

Senator McKinney moved to reconsider the vote by which Senate concurrent resolution No. 12, relating to the adjournment of the Legislature to attend the inaugural of the President,

15—Senate

Grover Cleveland, was referred to Committee on State Affairs.

Carried.

Senator Steele then withdrew his motion to refer said resolution.

The Chair announced that Senate bill No. 108 was special order for this hour.

On motion of Senator Douglass, the regular business was suspended and the further consideration of resolution No. 12 was taken up.

On motion of Senator Agnew, the House concurrent resolution on the same subject was considered in lieu of the Senate resolution.

Senator Imboden moved that the resolutions be referred to a special committee of five.

Lost.

Senator Shelburne moved to lay both resolutions on the table subject call.

Lost by the following vote:

YEAS—10.

Agnew,	Greer,
Boren,	Imboden,
Bowser,	Jester,
Crowley,	Shelburne,
Goss,	Swayne.

NAYS—17.

Baldwin,	Pressler,
Browning,	Simpson,
Cranford,	Smith,
Douglass,	Steele,
Hutchison,	Tips,
Kearby,	Whitaker,
Lawhon,	Woods,
Lewis,	Yoakum.
McKinney,	

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

By Senator Hutchison:

Amend the resolution as follows: "That the postmasters of the Legislature be required to remain here and take charge of the mail and safely keep the same during the recess."

Adopted.

By Senator Goss:

Amend by adding: "Provided, that the segeant-at-arms of the House and the Senate shall continue in charge respectively of the House and the Senate chambers and to receive pay during said recess."

Lost.

By Senator Simpson:

Amend by striking out all after the word "appointed," in said resolution, to-wit: "Provided, that the per diem pay of all members of the Legislature and employes shall cease during the 10 days recess herein provided for."

Senator Smith moved to postpone further consideration until Wednesday next after call.

Senator Jester moved as a substitute that the consideration of the resolution be postponed until Wednesday next and to take precedence over all other matters.

Senator Browning moved the previous question on the resolution and pending amendment, which was duly seconded and prevailed.

The motion to postpone was then lost.

The resolution was then lost by the following vote:

YEAS—12.

Agnew,	Pressler,
Baldwin,	Shelburne,
Bowser,	Simpson,
Crowley,	Smith,
Greer,	Swayne,
Imboden,	Woods,

NAYS—14.

Boren,	Kearby,
Browning,	Lawhon,
Cranford,	Lewis,
Douglass,	Steele,
Goss,	Tips,
Hutchison,	Whitaker,
Jester,	Yoakum.

EXCUSED—3.

Atlee,	McComb,
Dickson,	

PAIRED—2.

Dean,	McKinney,
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When taking the above vote, Senator McKinney announced that he, voting nay, was paired with Senator Dean, voting aye.

On motion of Senator Lawhon, regular business was suspended and House bill No. 5, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Dimmit county," taken up.

Bill read second time and committee amendment adopted.

The bill was then passed to its third reading, and

Upon motion of Senator Lawhon, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put upon its third reading and final passage by the following vote:

YEAS—21.

Agnew,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	Pressler,
Crowley,	Shelburne,
Douglass,	Simpson,
Goss,	Steele,

Greer,
Hutchison,
Imboden,
Jester,

Tips,
Whitaker,
Woods.

NAYS—1.

Smith.

ABSENT—5.

Baldwin,	Swayne,
Cranford,	Yoakum.
McKinney,	

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

Bill read third time and passed by the following vote:

YEAS—22.

Agnew,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Crowley,	Pressler,
Douglass,	Shelburne,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Tips,
Imboden,	Whitaker,
Jester,	Woods.

NAYS—none.

ABSENT—5.

Baldwin,	Swayne,
Cranford,	Yoakum.
Simpson,	

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

SPECIAL ORDER.

The Chair laid before the Senate

Senate bill No. 108, entitled "An act to increase the duties of the board of railroad commissioners; changing the name of said board; providing for the organization of public warehouses, and to regulate the warehousing and inspection of grain in public warehouses in the State of Texas."

Senator Crowley stated that Senate bill No. 111, entitled "An act to provide for the organization of public warehouses and to regulate the warehousing of cotton, grain and all other kinds of products and all kinds of goods and mercantile commodities, and to define the ownership thereof," was in substance the same as Senate bill No. 108, and moved to substitute Senate bill No. 111 for consideration in lieu of the first named.

Senator Agnew moved to postpone further consideration till Thursday, February 23, and that both bills be considered together.

Carried.

Senator Jester moved to suspend regular business and take up Senate

bill No. 191, entitled "An act providing for the payment of \$484,500 matured 6 and 7 per cent bonds, and the issuance of 4 per cent forty-year bonds in lieu thereof."

Carried by the following vote:

YEAS—20.

Agnew,	Lawhon,
Boren,	Lewis,
Cranford,	Pressler,
Crowley,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

NAYS—3.

Baldwin,	Shelburne.
Imboden,	

ABSENT—4.

Bowser,	McKinney,
Browning,	Swayne.

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

Senator Baldwin moved to postpone till Thursday next, and make same special order for that day.

Lost.

Senator Imboden moved to adjourn till to-morrow morning 10 o'clock.

Lost.

Senator Baldwin moved to recommit the bill to Committee on Finance.

By Senator Swayne:

Amend by striking out in the committee report all the words therein after the figures "191," down to and including "thereof," and insert in lieu thereof the caption of the bill.

Senator Imboden made the point of order that the amendment was out of order, as the bill was not properly before the Senate, and spoke to his point of order.

Senator Jester made the point of order that the speaker was speaking on the merits of the bill.

Not sustained.

Senator Goss moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

YEAS—11.

Agnew,	Greer,
Baldwin,	Imboden,
Bowser,	Pressler,
Cranford,	Shelburne,
Crowley,	Woods.
Goss,	

NAYS—15.

Boren,	Simpson,
Browning,	Smith,
Douglass,	Steele,
Hutchison,	Swayne,
Jester,	Tips,
Kearby,	Whitaker,
Lawhon,	Yoakum.
Lewis,	

ABSENT—1.

McKinney.

EXCUSED—4.

Atlee,	Dickson,
Dean,	McComb.

Senator Swayne moved that the chairman of the committee reporting the bill be allowed to correct the error in regard to the caption of the bill and committee report of the same.

Senator Cranford made the point of order that the whole proceedings on the bill were irregular, from the fact that the bill was not properly before the Senate.

The Chair ruled that the point of order was well taken, the bill not having been reported by the committee.

IN SENATE.

House bill No. 165, "An act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426½, and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881."

Read first time and referred to Judiciary Committee No. 2.

Senator Crowley moved to adjourn to 10 o'clock to-morrow morning.

Adjourned.

THIRTY-SEVENTH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, Feb. 21, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Secretary Kennedy called the roll.

Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,